

CITY OF MARTENSVILLE
SNOWMOBILE BYLAW
BYLAW NO. 29-2015

A BYLAW TO REGULATE THE OPERATION OF SNOWMOBILES WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF MARTENSVILLE IN THE PROVINCE OF SASKATCHEWAN

Whereas, Section 8 of *The Cities Act* authorizes a Council to regulate and control any activities within the City of Martensville; and

Therefore, the Council of the City of Martensville enacts as follows:

Title and Purpose:

1. This Bylaw will be cited as **“The Snowmobile Bylaw”**.
2. The Purpose of this Bylaw is as follows:
 - (a) To promote peace, order and good government of the City of Martensville.
 - (b) To promote the safety, health and well-being, as well as the protection of the Citizens and property in the City of Martensville.
 - (c) To regulate and control the access and provisions respecting the operation of snowmobiles within the City of Martensville.

Definitions:

3. **“City”** means the City of Martensville;

“Highway” means a road, parkway, driveway, square or place designated and intended for or used by the general public for the passage of vehicles, but does not include any area whether privately or publicly owned, that is primarily intended to be used for the parking of vehicles and the necessary passageways on that area, and does not include a provincial highway within the municipality as designated pursuant to the provisions of *The Highways and Transportation Act, 1997*, within the corporate boundaries of the City of Martensville, and includes an alley or lane;

“Municipality” means the City of Martensville;

“Operator” means a person who uses or operates, or is in actual physical control of the said snowmobile.

“Owner” includes a person who is in possession of a snowmobile under a contract by which he may become the owner of the snowmobile upon full compliance with the terms of the contract.

CITY OF MARTENSVILLE
SNOWMOBILE BYLAW
BYLAW NO. 29-2015

“**Open Space Area**” includes, pathways and walkways, floodplains, roadway medians, buffer strips, public walkways, traffic boulevards, public spaces, dedicated lands, non-dedicated lands and utility parcels that are owned, operated, leased or by agreement, controlled by the City;

“**Snowmobile**” means a snowmobile as defined by The Snowmobiles Act.

Authorization to operate a Snowmobile in City limits:

4. (a) All snowmobile operators born on or after January 1st, 1989, are now required to complete an approved snowmobile safety course and obtain their snowmobile safety certificate before operating on public land. **This course is taken online.**
- (b) Any person who holds a valid driver’s license issued under *The Traffic Safety Act* shall be deemed to hold a snowmobile operator’s license under this bylaw, **as per Section 45 of the Saskatchewan Snowmobile Act.**
- (c) No person shall operate or authorize or permit any other person to operate any Snowmobile unless they have obtained a certificate of registration under the Snowmobile Act, and has provided the City Manager registration information; or
 - (i.) that person has obtained a certificate of registration from the City
 - (ii.) that the identification tag is attached to the Snowmobile; and
- (d) The City Manager or their delegate shall provide an owner of a Snowmobile a certificate of Registration for the snowmobile if:
 - (i) The owner of the Snowmobile applies on a form provided in Schedule “B” by the City and pays the prescribed fee as provided in Schedule “C” of this Bylaw;
 - (ii) Provides proof of liability insurance in regards to operating a Snowmobile in the amount of a minimum of \$300,000.

License to operate

5. (a) In this section:
 - (i) “**class**” means, with respect to a driver’s license, a class as defined in the regulations;
 - (ii) “**safety course**” means a safety course that meets the requirements set out in the regulations.

CITY OF MARTENSVILLE
SNOWMOBILE BYLAW
BYLAW NO. 29-2015

(b) As per Section 15.2 of the Saskatchewan Snowmobile Act and notwithstanding any other Act or the regulations made pursuant to any other Act, no person shall operate a snowmobile that is required to be registered by this Act unless that person:

- (i) holds a class 1, 2, 3, 4 or 5 driver's license;
- (ii) is at least 16 years of age and has completed a safety course; or
- (iii) is 12 years of age or older but less than 16 years of age and has completed a safety course if that person is:
 - (a) accompanied on the snowmobile by another person who holds a class 1, 2, 3, 4 or 5 driver's license; or
 - (b) accompanied and supervised by another person who holds a class 1, 2, 3, 4 or 5 driver's license and is operating another snowmobile.

(c) As per Section 15.3 of the Saskatchewan Snowmobile Act and for any other Act and the regulations made pursuant to the Saskatchewan Act or any other Act, a person who accompanies an operator as mentioned in Section 5(b)(iii)(a) or (b) or in clause Section 5(f)(i) or (ii) is deemed to be the operator of the snowmobile over which the person is exercising supervision.

(d) Notwithstanding clause (b)(i), no person born on or after January 1, 1989 shall operate a snowmobile that is required to be registered pursuant to the Act unless that person has completed a safety course. There's sign up for a Classroom course or an online course @ <http://www.snowmobilecourse.com/canada/saskatchewan/>

(e) Notwithstanding subsection (2) and subject to subsection (3) and except for the purposes of crossing a highway, no person who holds a class 7 driver's license may operate a snowmobile on the travelled portion of a highway unless that person is:

- (i) accompanied on the snowmobile by another person who holds a class 1, 2, 3, 4 or 5 driver's license; or
- (ii) accompanied and supervised by another person who holds a class 1, 2, 3, 4 or 5 driver's license and is operating another snowmobile.

(f) A non-resident who is at least 16 years of age may operate a snowmobile that is required to be registered by this Act within Saskatchewan for a period not exceeding 90 consecutive days if the non-resident:

- (i) is the holder of a license that permits the non-resident to operate a motor vehicle in the province, territory, state or country in which the non-resident resides or formerly resided, as the case may be;

CITY OF MARTENSVILLE
SNOWMOBILE BYLAW
BYLAW NO. 29-2015

(ii) carries the license mentioned in clause (a) at all times while operating the snowmobile; and

(iii) produces the license mentioned in clause (a) for inspection at the request of a peace officer.

The operation of a snowmobile within City limits:

6. (a) Pursuant to Section 21.2 of *The Snowmobile Act*, it shall be lawful to operate a snowmobile on any street, with exception of Centennial Drive and Main Street (with exception to crossing Centennial Drive or Main Street itself to obtain gas), within the City of Martinsville in accordance with and subject to the following conditions:

(i) the snowmobile operator shall enter and exit the City utilizing the most direct street route between their residence and the City limits.

(ii) the snowmobile shall be operated only between the hours of 7:00 a.m. and 10:00 p.m.

(iii) no person shall operate a snowmobile within City limits in excess of 20 kilometres per hour.

(iv) no person shall operate a snowmobile on Centennial Drive and Main Street except for the purpose of crossing thereof.

(v) no person shall operate a snowmobile in any Open Space Area, whether or not marked by a sign prohibiting or restricting the operation of snowmobiles.

(vi) notwithstanding any other provision of this section, it shall be lawful for a snowmobile to enter City limits off the Highway #12 right-of-way and cross Centennial Drive for the purpose of obtaining fuel.

(vii) council or their delegate may issue a permit subject to any terms and conditions, for the holding of a special snowmobile event in the municipality.

(viii) any snowmobile entering onto a public highway shall do so from an established highway approach.

(ix) any snowmobile crossing a public highway must come to a complete stop before crossing and must take the most direct route across the highway. Snowmobile operators must yield right-of-way to vehicles traveling on Highways before crossing.

CITY OF MARTENSVILLE
SNOWMOBILE BYLAW
BYLAW NO. 29-2015

(x) all highway crossings must be assessed by traffic operations staff from the Ministry of Highways and Infrastructure to ensure any safety issues are addressed. All snowmobile trails that run inside the right of-way of the provincial highway(s) must be permitted in writing by the Ministry. All snowmobile trail permit applications must be sent to the Saskatchewan snowmobile Association who will forward the applications that they deem as requiring a permit to the Ministry of Highways and Infrastructure.

(xi) Section 21.1 of *The Snowmobile Act* sets out the rules and operation of a snowmobile at night or under dangerous conditions.

Offence and Penalties:

7. (1) Every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction:

(a) for the first offence to a fine of not more than \$100 and;

(b) for a second or subsequent offence to a fine of not more than \$200.

Voluntary Payment to Avoid Prosecution:

8. (a) Where any Martensville Bylaw Enforcement officer or Peace Officer believes that a person has contravened any provision in this Bylaw, he may serve upon such person a Notice of Violation Ticket either personally or by mailing or leaving same at his or her last known address and such service shall be adequate for the purpose of this Bylaw.

(b) A Notice of Violation Ticket shall state the Bylaw and the section of the Bylaw, which was contravened, and the amount that will be accepted by the City in lieu of prosecution.

(c) Upon production of a Notice of Violation Ticket issued pursuant to this section within thirty (30) days from the issue thereof, together with the payment of the fee as provided in Schedule "A" to City Hall, the person to whom the ticket was issued shall not be liable for prosecution for the contravention in respect of which the ticket was issued. A reduced voluntary payment, in Schedule "A", may also be given and if paid within 10 days of the offence date on the Notice of Violation Ticket, the individual shall not be liable to further prosecution if so paid.

CITY OF MARTENSVILLE
SNOWMOBILE BYLAW
BYLAW NO. 29-2015

Owners Liable:

9. The owner of the snowmobile is liable for a contravention of any provision of this bylaw in connection with the operation of the snowmobile, unless he proves that at the time of the offence the snowmobile was not being operated by him nor by any other person with his consent.

Liability of Owner and Operator for Loss, Damage or Injury:

10. When any loss, damage or injury is caused to a person by a snowmobile, the person operating it at the time is liable for the loss, damage or injury, if it was caused by his negligence or improper conduct, and the owner thereof is also liable to the same extent as the operator unless at the time of the incident causing the loss, damage or injury the snowmobile had been stolen from the owner or otherwise wrongfully taken out of his possession or out of the possession of a person entrusted by him with the care thereof. **As per Section 31 of the Snowmobile Act**

Non-Application:

11. The provisions of this bylaw shall not apply to:

(a) a member of the Royal Canadian Mounted Police, Conservation Officer, Auxiliary Police Officer or Bylaw Enforcement Officer exercising duties as officer of the law.

Snowmobile Operation:

12. Unless otherwise specified in this Bylaw, the operation of snowmobiles shall be as contained in The Snowmobile Act, Chapter S-52, and any amendments thereto.

Coming Into Force:

13. This Bylaw shall come into effect by the final passing.

Read a first time this ____ day of _____, 201__.

Read a second time this ____ day of _____, 201__.

Read a third time this ____ day of _____, 201__.

Mayor

City Clerk

CITY OF MARTENSVILLE
SNOWMOBILE BYLAW
BYLAW NO. 29-2015

SCHEDULE 'A'

Every person who contravenes any provision of this Bylaw:

Voluntary payments are as follows:

For all of the offences below:

- First offence to a fine not more than One Hundred Dollars (\$100.00) and a reduced rate of Sixty Dollars (\$60.00).
- Subsequent offences to a fine of Two Hundred Dollars (\$200) and a reduced rate of One Hundred and Twenty Five Dollars (\$125.00).

Offences:

- Section 5(b)(i) - Operating a snowmobile without holding a class 1, 2, 3, 4, or 5 driver's license.
- Section 5(b)(ii) - Operating a snowmobile and not being at least 16 years of age and/or completing a safety course.
- Section 5(b)(iii)(a) - Operating a snowmobile when the person is 12 years of age or older but less than 16 years of age and has completed a safety course and who isn't accompanied on the snowmobile by another person who's holding a class 1, 2, 3, 4, or 5 driver's license.
- Section 5(b)(iii)(b) - Operating a snowmobile when the person is 12 years of age or older but less than 16 years of age and has completed a safety course and who isn't accompanied or supervised by another person who's holding a class 1, 2, 3, 4, or 5 driver's license and is operating another snowmobile.
- Section 5(e)(i) - Operating a snowmobile on the travelled portion of a Highway while holding a class 7 drivers licenses (*exceptions – being accompanied on a snowmobile by another person who holds a class 1, 2, 3, 4, or 5 driver's license or is supervised by another person who's holding a class 1, 2, 3, 4, or 5 driver's license and is operating another snowmobile*).
- Section 6(a)(i) - Not entering/exiting the City by the most direct route.
- Section 6(a)(ii) - Operating a snowmobile outside of the hours of 7:00 a.m. to 10:00 p.m.

CITY OF MARTENSVILLE
SNOWMOBILE BYLAW
BYLAW NO. 29-2015

- Section 6(a)(iii) - Operating a snowmobile in City limits in excess of 20 kilometers per hour.
- Section 6(a)(iv) - Operating a snowmobile on Centennial Drive or Main Street.
- Section 6(a)(v) - Operating a snowmobile on private property, Public Reserves or Municipal Reserves or Road Closed.
- Section 6(a)(vi) - Operating a snowmobile in any public place, whether marked or not or restricting the operation of snowmobiles.
- Section 6(a)(vii) - Not entering onto a public highway from an established approach.
- Section 6(a)(viii) - Not coming to a complete stop before crossing a highway or did not take the most direct route across the highway and not yielding for oncoming traffic.

CITY OF MARTENSVILLE
SNOWMOBILE BYLAW
BYLAW NO. 29-2015

SCHEDULE 'B'

CITY OF MARTENSVILLE

SNOWMOBILE BYLAW

BYLAW NO. _____

CERTIFICATE OF REGISTRATION APPLICATION FOR A SNOWMOBILE

Name of Applicant: _____

Civic Address: _____

Mailing Address: _____
(If different from Civic) _____

Telephone: _____ Cell: _____

Email: _____

Description of Snowmobile: _____

Office Use Only:

Certificate of Registration # _____

SGI Registration # _____

A COPY OF THE PROOF OF LIABILITY INSURANCE MUST BE ATTACHED TO APPLICATION.

CITY OF MARTENSVILLE
SNOWMOBILE BYLAW
BYLAW NO. 29-2015

SCHEDULE “C”

CITY OF MARTENSVILLE
SNOWMOBILE BYLAW
BYLAW NO. _____

A Certificate of Registration shall not be issued nor considered valid without payment of fees as prescribed:

Certificate of Registration – Identification Tag \$25

Annual Registration \$10